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PUBLIC CONTROL OF HEALTH PROFESSIONS IN QUEBEC

INTRODUCTION

I. QUEBEC'S NEW PROFESSIONAL SYSTEM

1. The status of professional corporations

(a) The role of professional corporations

(b) Criteria for the creation of new professional corporations

(c) Exclusive professions and professions with reserved titles

2. The Office des professions (Professions Board)

(a) ensuring the participation of the public

(b) regulations governing the professions

II. CONTROLLING THE TECHNICAL QUALITY OF THE PROFESSIONAL ACT

1. Professional training

2. Maintaining the level of professional competence

3. Professional discipline

III. ACCESS TO PROFESSIONAL SERVICES

1. Financial access

2. Availability and distribution of services

(a) Gathering information on the professional world

(b) Organization of new professions

(c) Recognition of emerging professions

(d) Delegation of professional acts

(e) Admitting foreigners to professional practice

Conclusion

PUBLIC CONTROL OF HEALTH PROFESSIONS IN QUEBEC

INTRODUCTION

Québec adopted its most important measures for controlling the health professions after the publication in 1967 and 1970 of the reports of the Commission of Inquiry on Health and Social Welfare dealing with health insurance, health and the professions. When Québec acted upon the recommendations made in these reports, it undertook a major reform which affected not only the health and social services and related professions but all the professions.

Most of the measures for public control of health professions now in force in Québec can be traced to the following legislation: the Health Insurance Act[1], the Québec Health Insurance Board Act[2], the Act respecting health services and social services[3], the Public Health Protection Act[4] and the Professional Code[5], and twenty-one additional acts, each governing an exclusive profession.

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1. S.Q., 1970, c. 37
2. S.Q., 1969, c. 53
3. S.Q., 1971, c. 48
4. S.Q., 1972, c. 42
5. S.Q., 1973, c. 43

Health insurance. The introduction in 1970 of a universal health insurance plan made necessary the adoption of the Health Insurance Act, which stipulates the terms of participation for the members of certain professions whose services are insured under the plan, the conditions under which these members must exercise their profession within the framework of this plan and conditions for remuneration. The conditions for remuneration, in particular, are the result of agreements reached with professional associations, especially the association of general practitioners and the association of specialists, the two major medical associations which govern all the members of the dental, medical, optometric and pharmaceutical professions.

In 1973, the Act was amended to allow for the creation of revisory committees to study certain claims for payment for insured services rendered by a physician, a dental surgeon or an optometrist. Under these amendments, the Board may submit to the appropriate revisory committee any claims it deems unjustified. The committee is composed of members of the profession involved plus one person appointed on the recommendation of the Office des professions du Québec who must not be a professional in the field of health. It may recommend that the Board pay the amount claimed or refuse to pay it or it may suggest that the Board demand reimbursement of overpayment. The decisions of the committee may be appealed to the new Social Affairs Commission.

Organization of health services. The reform recommended by the Commission of Inquiry on Health and Social Welfare also affected the organization of services in these two fields. The Act respecting health services and social services, which came into force on June 1, 1972, is the cornerstone of this important aspect of the reform. It contains provisions which are meant in particular to coordinate the distribution of services in four types of establishments, hospital centers, local community service centers, reception centers and social service centers, and to see to the professional organization of these establishments through the creation of advisory councils of clinical staff and councils of physicians and dentists. The Act also provides for the participation of the personnel and the public in the management of the health services and social services.

The protection of the public health. The Minister of Social Affairs is responsible not only for applying this Act, but also for coordinating all the measures for the protection of the public health in Québec. The Public Health Protection Act, adopted at the end of 1972, requires health professionals to comply in particular with any decision the Minister considers advisable to protect the public health, in the event of an epidemic,for example. The Act also authorizes the Minister to issue, to certain professionals, permits to practice on an annual basis, particularly to

thanatologists and funeral directors. It also authorizes the Minister to determine the standards for various types of laboratories, which he did not hesitate to do for medical biology laboratories, radio-isotope and radiology laboratories and prosthetic and orthopedic laboratories, for instance.

The professions. There are other measures for controlling the health professions in addition to those applied by the Minister of Social Affairs. The most important is doubtless the control exercised by the professional corporations over their members. Since the Professional Code and the related acts governing specific professions came into force on February 1, 1974, the twenty corporations[6] of health professionals and the Office des Professions which carved out the professional reform have become ideal tools for ensuring the technical quality of the professional act. The reform of the professions also represents an attempt to make professional services as accessible as possible.

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6. See Appendix I

I. QUEBEC'S NEW PROFESSIONAL SYSTEM

The adoption of the Professional Code and the related acts was the final step in a long process of study, investigation and discussion spread over a period of about ten years. Since the early 1960s, the death of the traditional conception of a profession, the inadequacies of professional legislation and the urgent demand for the creation of new professions has been leading Québec to reexamine the existing professional structure. The so-called "liberal" professions are undergoing profound changes, for an ever-growing proportion of their members find themselves in an employer-employee relationship and our consumer society demands that greater stress be placed on the efficient distribution of their services. Moreover, as a result of increasingly specialized definitions of social roles and status, new professions are being created to satisfy the growing needs of new services and of a continuously evolving technology.

These changes led the Government to request the Commission of Inquiry on Health and Social Welfare to examine the entire question of professional organization in Québec in these two fields. In its report, the Commission, having studied the very basis of the concept of a profession, recommended that there be a reform in professional organization. It believed that such a reform should

go beyond the health professions and social services to encompass all the professions in Québec.

In the fall of 1971, the Government decided to apply the recommendations made by the Commission of Inquiry on Health and Social Welfare to all the professions and tabled in the National Assembly a series of legislative measures embodied mainly in a general bill entitled the Professional Code and twenty-one special bills, each dealing with a given profession. As soon as they were tabled for first reading, the bills were referred to an ad hoc parliamentary committee for study; this committee was also asked to hear representations from all agencies, groups and persons involved in or interested in the matter. The committee sat for over a year and held at least one meeting a week. It thus heard over 150 reports.

In the fall of 1972, when the hearings of the parliamentary committee had terminated, the Government tabled an amended version of the bills in the National Assembly. The bills were adopted in the early summer of 1973 and came into force on February 1, 1974.

In order to fully understand Québec's new professional system, which represents an attempt to adapt the juridical aspect of the professional world to the main trends of modern society, it is advisable to examine more closely the provisions in the new legislation concerning

1. the status of professional corporations
2. the role of the Office des professions du Québec.

1. The status of professional corporations

The new legislation governing professions clearly demonstrates the Government's confidence in the professional corporation as an instrument for managing the professions and protecting the public, and it upholds the principle of self-governing professions. However, it also contributes two important modifications to the system: the presence of representatives of the public within the professional bodies, and the creation of the Office des professions du Québec, a supervisory body whose main function is to ensure that the professional corporations fulfill their duties satisfactorily.

Specifically, the Professional Code defines the role of professional corporations within the community, sets the criteria and conditions for the creation of new corporations and makes a

distinction between exclusive professions and professions with reserved titles.

(a) The role of professional corporations

The Professional Code establishes that "the principal function of each corporation shall be to ensure the protection of the public". This means that the professional corporation may no longer play the double role of public protector and defender of the economic interests of its members. This dual responsibility was probably acceptable in an era when professional practice was a purely individual undertaking and the social and economic interests of a group of professionals did not enter into the question. Today, however, conflicting interests are more and more common among professional groups and require frequent negotiation; a clear-cut distinction between the roles of protector of the public and defender of professional interests is therefore necessary.

The State obliges professionals to belong to professional corporations and allows these corporations to regulate and control the professions solely for the purpose of protecting the public. Any corporation which proposed to use its considerable power to make economic and social demands as would a union would be faced with conflicting interests. In Québec, therefore, the phenomenon

of trade unionism among professionals should continue to develop. This is particularly noticeable among physicians as a result of the socialization of medical services, among engineers, more and more of whom are in an employer-employee relationship and among lawyers as a result of measures such as legal aid.

(b) Criteria for the creation of new professional corporations

While the presentation of the Professional Code and the related acts was being discussed, certain professional groups, particularly in the field of health, were claiming legal recognition. Some had been doing so for years. The adoption of this series of acts enabled the legislator to create nine new professional corporations. Five of these have reserved titles — occupational therapists, dental hygienists, nursing assistants, physiotherapists, and medical technologists — and four are exclusive — hearing-aid acousticians, chiropractors, denturologists and podiatrists.

Moreover, for the first time in Québec and probably in Canada, the legislator defined the criteria the Government would use when creating a new professional corporation on the recommendation of the Office des professions and the Conseil interprofessionel (Interprofessional Council). In addition to the criterion of public

protection, which transcends all others, the criteria, as stipulated in section 25 of the Professional Code, are as follows:

- the knowledge required of potential members of the proposed corporation in their professional activities;

- the degree of independence of the members of the proposed corporation in their work;

- the difficulty which persons not having the same training and qualifications would have in assessing the quality of the professional act;

- the trust which the public must place in such persons particularly because such persons provide them with care or administer their property;

- the personal nature of the relationships between such persons and those using their services and the confidential nature of their communications;

- the gravity of the prejudice or damage which might be sustained by the public because the competence or integrity of professionals was not sufficiently supervised.

Although this list is by no means exhaustive, it is sufficient to reveal the spirit in which professional incorporation should be viewed. It is the belief of the Office that, although it can be said that a minimum of objectivity has been introduced in a sector where formerly the political force of the group was the determining factor, the decision to grant or refuse professional incorporation nevertheless remains relatively subjective.

The Office therefore deemed it best, before officially answering the requests for professional incorporation received from over 20 groups, six of them in the health field 7, to study the evolution of the concept of professionalism. In addition to determining the criteria which should guide the Office in studying requests for incorporation, the results of the study should assist the agencies concerned in adopting

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7. Orthoptists, nursery nurses, technicians in electroencephalography, inhalation therapists, naturopaths, prosthesists and orthopedists.

appropriate policies and programs for better protection of the public against abuses in professional services.

(c) Exclusive professions and professions with reserved titles

Once a group of persons has proven that it is in the public interest that it constitute a professional corporation, it may be incorporated under the Professional Code as either an exclusive profession or a profession with a reserved title[8]. In the first case, incorporation gives the members of the profession a monopoly both in the exercise of their professional activities and in the use of the title attached; in the second case, it simply gives the members of the corporation exclusive use of their professional title.

The determining factor for incorporation as an exclusive profession is not the degree of training required to practice the profession. In fact, if you look at the professional corporations in the field of health, you will notice that not all the professions requiring approximately the same amount of training are exclusive.

It is rather the conditions under which the profession is generally practiced which constitute the basic criterion. A reserved title is sufficient to ensure the protection of the public in the case of professions whose members work almost exclusively for an organized body, such as a hospital, with internal controls, recruiting procedures, set standards and admission requirements, and so forth. On the other hand, when

8. There are 38 professions under the Code; twenty-one are exclusive and 17 have reserved titles.

a given profession has strictly private relations with the public and no third party is required to witness the quality of the services rendered, when, in short, the professional is largely independent in his work, it may become necessary to "close" the profession and reserve it for the members of a corporation.

This criterion for choosing between the two types of corporations raises a number of questions, although it is explained to some extent in the legislation. When determining the field of activity for an exclusive profession, how can you avoid cutting off various complementary fields with which the profession in question requires close cooperation and how can you avoid giving rise to certain conflicts regarding jurisdiction? And if the profession is given a reserved title instead, how can you ensure that this will be sufficient to protect the public?

A number of corporations with reserved titles are expressing anxiety on this point, particularly in the fields of health and the human sciences. Of what use is a reserved title they ask, if employers do not require their employees to belong to the corporation? Of what use is the system if certain persons, sometimes the very ones whose practice most requires control, can ignore the code of ethics and escape professional inspection because they do not bear the title? And finally, how can corporations with reserved titles survive economically and provide all the services their members require if some of the members withdraw,thus depriving the corporation

of their annual dues? The Office des professions is trying to provide the best possible solutions to all these questions in the interests of the public.

2. The Office des professions

The new legislation has created the Office des professions, a supervisory agency with five members, to see that each corporation fulfills its role in protecting the public.

The Office des professions must be neither a tool for professionals nor a super professional corporation. Its success in protecting the public does nevertheless require the active participation and the confidence of the professional corporations, for it must not be forgotten that the new legislation adopted by the Québec Government entrusts primarily the professional corporations themselves with the role of public protector. The Office des professions assists and supervises the professional corporations like a conscience which can, at times, be confining. To this end, it has been given important powers, particularly as regards the appointment to the corporations of administrators from outside, regulations governing the professions, the technical quality of professional acts and the availability of services.

(a) Ensuring the participation of the public

The Professional Code provides for the appointment of non-members to the Bureau of each corporation to represent the interests of the public. By entrusting the Office des professions with the

appointment of these representatives, the lawmakers clearly indicated their determination to remove responsibility for such appointments from both political circles and professional corporations.

In 1974/75, after consultation with the Interprofessional Council and various socio-economic groups, the Office des professions appointed 114 administrators to represent the public in the Bureaus of professional corporations. These administrators, who represent the public and not the Government, the Office des professions or a particular interest group, become full members of the Bureau of the corporation and have no separate status.

In choosing these lay members, the Office paid particular attention to the personal quality of the candidate and to his representative capacity. The most important point was to ensure that the persons appointed would be able to defend the public point of view before the Bureaus of the professional corporations, within the framework described in the Act. The Office preferred people who had already shown an interest in and an aptitude for representing the public, people who had belonged to organized groups, particularly in areas involving consumer protection, trade unions, cooperative movements and services in general.

Through these lay members, the public will be able to participate in the decisions made by professional agencies, decisions which often affect not only the professionals themselves but, more important, a part or the whole of the

community as well. Lay members may express their point of view to good effect on subjects such as the distribution and availability of professional services, codes of ethics, advertising, evaluation of professional competence, arbitration procedures for accounts, the indemnity fund, cooperation between educational circles and the professions and the delegation of professional acts.

(b) Regulations governing the professions

Besides ensuring the participation of the public within the corporations, the Office des professions has considerable power of intervention in the adoption by corporations of the regulations required by the new legislation.

The Office endeavors to give the corporations technical assistance in drafting the texts of the regulations in order to help them establish drafting and presentation standards for regulations to be submitted to the Government for approval. The Office also prepares various draft regulations, on subjects which must be dealt with by each of the corporations, as working documents for the Interprofessional Council and the professional corporations.

As part of its task of protecting the public by ensuring the adequate distribution of professional services, the Office also makes appropriate recommendations to the Government concerning the pertinence of regulations prepared by the professional corporations.

The role the Office played in the adoption of certain

draft regulations of the Order of Pharmacists is particularly significant in this respect. In October and November 1974, the Office held public hearings on the draft regulations on advertising and pharmacy standards. Following these hearings, the Office presented the Government with recommendations intended to satisfy the basic requirements for dependable pharmaceutical service to the public. Last July the Government made public a new regulation respecting pharmacies which is based essentially on the recommendations submitted by the Office des professions.

The Office also plays a key role in the preparation of government regulations concerning the professions: it has the regulations prepared as drafts, consults the various agencies concerned and makes final recommendations to the Government. If the Office considers it necessary, it may also suggest amendments to the acts governing the professions. It has already done this successfully several times since its creation.

Great progress has been made over the past year in the field of professional regulation. The Office and the corporations face a considerable challenge in the 600 regulations to be adopted but most of these are expected to be in force by April 1976.

II. CONTROLLING THE TECHNICAL QUALITY OF THE PROFESSIONAL ACT

One of the most important duties of the Office des professions consists in seeing that effective methods of controlling the quality of the professional act are set up. New legislation governing professions provides for this control

through measures intended to ensure

(1) that anyone who wishes to practice a profession may obtain satisfactory training;

(2) that throughout his career a professional has the physical, psychological and intellectual capacity necessary to practice his profession;

(3) that the professional respects his profession's code of ethics.

1. Professional training

There are a number of professional disciplines in which the link between academic and professional training is sometimes difficult to see. Is it possible to respect the specific requirements of educational institutions and at the same time train the future professional to actually practice his profession?

Until quite recently, professional legislation in Québec gave professional corporations the power to recognize an educational institution for purposes of admission to the ranks of the various professions. The Professional Code now gives this power to the Government, which may exercise it after consultation with the four parties concerned: the professional corporation, the educational institution involved, the Council of Universities and the Office des professions. This power does not allow it to determine the content of academic programs but rather to decide which diplomas are required for practicing a profession and which institutions

are authorized to grant them. An important step was taken recently under section 178a of the Professional Code, whereby the institutions and their diplomas were recognized in 24 of the 38 sectors governed by the Code[9]. The other sectors will later be the subject of a similar set of regulations.

Since the professional corporations have been given such a large degree of responsibility for the protection of the public under the new legislation, they retain the power to give or withhold the right to exercise a profession or, in the case of professions with reserved titles, to issue or refuse a permit allowing the use of the title. The corporations retain the right to impose admission requirements such as training periods or examinations in addition to the possession of the basic diploma recognized by the Government. Such conditions must be adopted by means of a regulation which, like all regulations, must be approved by the Government.

So that the corporations will not feel it justifiable or necessary to impose additional conditions which have already been satisfied in the course of academic studies, the Office des professions is endeavoring to establish a system of cooperation between educational institutions and the professional world. It hopes that, as a result, the academic diploma will, as often as possible, be a direct door not only to the profession but to immediate practice of the profession, or at

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9. Sixteen of these sectors are in the field of health.

least, that any additional conditions will be truly complementary and not simply a repetition of the evaluation already made at the academic level.

Although not easily achieved, the principle of cooperation between academic and professional circles does seem to be the best solution under the circumstances. Solutions resulting from dialogue seem preferable to those achieved through coercion in fields such as this where it is necessary to tread softly. Can you imagine the grave consequences for both the academic and the professional worlds of a situation in which the Government decided the content of academic programs and whether or not such programs gave sufficient preparation for immediate practice of a profession?

A joint university-corporation committee has therefore been set up,or is being set up, for each university discipline which leads to professional practice. This committee, whose make-up is governed by a regulation under the Professional Code, brings together representatives of the universities concerned, the corporation in question and the students registered for studies in the discipline in question. The joint committees discuss the preparation of study programs, examinations and other means of evaluation, preparatory professional training and continuing training for practicing professionals. A similar system of collaboration has been proposed for the college level. The composition and duties of the joint committees have been or are on the verge of being approved

by the Government in six professional sectors:dentistry, law, medicine, pharmaceutics, optometry and forest engineering.

These committees, which have no decision-making power, endeavor to create a link between the objectives of academic training and professional training by bringing the parties concerned together to exchange views and in this way find the best possible solutions.

The Office des professions has a vital interest in professional training in so far as the protection of the public is dependent upon such training. It wishes to encourage dialogue between the groups involved in order that they may find satisfactory solutions, not only for the students and professionals wishing to continue their training, but also for the public.

2. Maintaining the level of professional competence

In the interests of the public, professionals must be properly trained; in those same interests, they must maintain their initial level of competence.

A professional must obviously refrain from practi ing his profession or carrying out certain professional acts when his health is not up to it. Therefore, in the interests of the public, a corporation Bureau may order that a member have a medical examination, stating its reasons, and the professional in question must comply. The Bureau may refuse to register on the roll or may strike from the roll any person who, in

the opinion of three physicians, is physically or psychologically unfit to practice his profession, or anyone who refuses to submit to a medical examination. These measures are meant to prevent errors on the part of a professional whose physical or mental health is not up to par.

Although poor health may often reduce the quality of the services offered by a professional, failure to update one's training is a more frequent cause of relative incompetence. In an age of rapid scientific development and intensive specialization, it is inevitable that certain professionals will be unable to keep up with new developments in their field. The Professional Code therefore provides for the periodic verification of professional competence in order to protect the public.

The Bureau of each corporation is given the power to decide by regulation when professionals may be required to take further training courses and to determine to what extent the right to practice is restricted during this training period. To this end, professional inspection committees must be established within each corporation. These committees, made up of at least three members appointed by the Bureau, are empowered to inquire into the professional competence of any member of the corporation. The Office des professions has prepared,as a working document, a draft regulation on committee procedure to help the corporations define the terms of operation of their professional inspection committees.

This system, set up to protect the public, will also benefit the professionals themselves if it is viewed positively.

In fact, the Bureau of each professional corporation must see to the organization of refresher courses or further training periods for the members of the corporation. The responsibility thus given the professional corporations of ensuring, in cooperation with educational establishments, that such courses are available to its members, is proof of the legislator's desire to adapt professional services to the needs of society.

By establishing this method of controlling professional competence, the Professional Code has chosen a middle-of-the-road solution between the conventional permit to practice, which was valid for life and was no guarantee that a professional's knowledge was up to date, and a permit to practice which must be regularly renewed, which engenders insecurity and is difficult to apply because of the marked trend towards specialization. In fact, this latter system would oblige a professional to requalify, in effect, for general practice, although he had gone on to specialize.

3. Professional discipline

In addition to a regular verification of professional competence, the public interest also requires the professional to comply with the new legislation and his profession's code of ethics. The Office des professions has prepared a standard code of ethics to be used as a guide by all the corporations when preparing their own code of ethics as required under the new legislation. Needless to say, many parts of the standard code will have to be adapted to the different professions.

Before the Professional Code was adopted, discipline was a purely internal matter. A disciplinary committee entirely made up of peers was responsible for disciplinary supervision and its decisions could be appealed to the administrative Bureau of the corporation. Since this Bureau was responsible both for representing its members and making decisions regarding them, it had a political as well as a quasi-juridical function.

The Professional Code considerably changes the rules of the game. It introduces a variety of mechanisms which should ensure that objective and open disciplinary justice is dispensed and that procedures are rigorously adhered to.

The disciplinary committee set up for each corporation examines and judges each complaint lodged by the public involving a professional. If the professional is found guilty, the committee may impose on him any of the penalties provided for in the Act. These penalties include reprimand, fines, the obligation to remit a misappropriated sum of money, temporary or permanent striking off the roll and withdrawal of the permit to practice.

Under the new legislation, this committee is chaired by a lawyer of at least ten years' experience, appointed by the Government and paid by the Office des professions du Québec. The Code introduces even more important changes as regards appeals. The role of the professional corporations in this respect has been entirely assumed by a professions tribunal composed of six judges of the Provincial Court. Professional

discipline is therefore rooted in the juridical apparatus itself. Moreover, decisions made by the disciplinary committees and the professions tribunal are published twice a year by the Office des professions. The first collection was published in March 1975 and the second should be on the market in September.

Under the new legislation, the Office des professions cannot evaluate the competence of a professional itself, or deal directly with complaints in matters of discipline. It does act as coordinator, however, forwarding complaints to the appropriate corporation. The Office keeps a close eye on the activities of corporation syndics and is prepared to exert pressure, if necessary, to have each case conscientiously examined. As at March 31, 1975, the Office had dealt with 96 complaint files.

The new legislation makes each corporation responsible for the operation of its professional inspection committee and its disciplinary committee. The Office des professions, on the other hand, must see that these tools for controlling professional competence and integrity do in fact serve their real purpose, which is to protect the public. This is one of the priorities of the Office for 1975-76. The Office des professions also plans to insist that further training courses prepared by the professional corporations in collaboration with educational establishments be organized in order that professionals may periodically update their knowledge.

III. ACCESS TO PROFESSIONAL SERVICES

To protect the public in the services it receives from professionals, the quality of the professional act must be controlled and, in addition, the services must be accessible, effectively distributed and within the financial reach of the public. The Office des Professions therefore intends to cooperate to the full with the other competent agencies to promote the creation of a comprehensive, high-quality network of professional services.

1. Financial access

If professional services are to be accessible, they must be available at a reasonable price. In the health field, financial access to services is ensured to a large extent by measures such as hospital insurance and health insurance. It is clear that there will be increasing pressure to have the health insurance plan, in particular, extended to cover new types of professional services.

One of the more important powers of the Office des professions involves professional fees in private practice. The Professional Code states in fact that the Office des professions must "suggest for approval to the Lieutenant-Governor in Council, after consultation with the corporation and bodies concerned, a tariff of professional fees for the services rendered by the members of the corporation, when the cost of these services is not fixed by collective agreement or determined by law".

This provision refers in particular to the fees demanded by professionals in private practice since these are not set by a public social insurance plan.

In order to determine the criteria which will guide it in the application of this provision of the Professional Code, the Office des professions has decided to hold public hearings in January on professional fees in private practice. The reports submitted to the Office and the subsequent discussions will deal with the advantages and disadvantages, from the public point of view, of regulating professional fees in private practice as opposed to letting the fees find their own level in a competitive market.

The question of fees is directly related to the question of financial access to professional services, which constitutes an important aspect of the protection of the public in this area. The Office des professions, therefore, is examining this question in its role as protector of the public in order to make the appropriate recommendations to the Government.

2. Availability and distribution of services

Possession of financial means does not guarantee access to professional services, particularly in new sectors where such services are not organized and are therefore difficult of access. In certain areas, the new services are offered by persons of varied and often unequal training whose competence has not been evaluated. In others, the services are still

practically non-existent because of a lack of properly trained personnel and the difficulty beginners have in obtaining financial aid.

Services are definitely better organized in areas where knowledge is more advanced. The closed nature of the disciplines and the unequal distribution of professionals throughout Québec, however, often make effective distribution of services difficult. In some fields of specialization, Québec is short of professionals; in such cases it is essential to come to grips with the problems involved in admitting immigrants to professional practice.

The measures which the Office des professions has taken or plans to take to solve these problems are closely connected to public control of health occupations. They involve:

(a) gathering information on the professional world
(b) organizing new professions
(c) recognizing emerging professions
(d) delegating professional acts
(e) admitting foreigners to professional practice.

(a) Gathering information on the professional world

In order to more equally distribute professional services among the various regions of Québec, the needs of these regions must be known as well as the degree to which available resources can satisfy those needs. At present, however, the lack of information on the professional population

in Québec makes a precise appreciation of available resources in professional services difficult. The Office des professions therefore intends to examine the technical means of obtaining more information on Québec's professional population: increases in number, age distribution, sex distribution, distribution by region and language of work, and so forth. This information will enable the agencies concerned to study professional needs and interregional mobility and will thus constitute a valuable tool for ensuring access to efficient and effective professional services at all times in all the regions of Québec.

(b) Organizing new professions

The main purpose in creating new professions is to ensure that the public has access to new professional services of high quality. With the powers given it under the Act, the Office des professions has already seen to the organization of four new professions, hearing-aid acoustics, chiropractic, denturology and podiatry, four areas in which the public was urgently in need of protection.

The launching of these four new exclusive professions depended mainly on the preparation of entrance examinations by the Office des professions. When the legislator decided to regularize a situation which was largely the result of public demand by creating four new professional corporations, he undertook to require of future professionals a level of competence which would guarantee the quality of the services rendered; the examinations were given for the purpose of

determining the level of competence.

It should be stressed that, for some years, persons with varied and often unequal training had worked in Québec in one or the other of the four fields in question. Since not all these persons possessed the minimum training required for public safety, it would have been contrary to the spirit of the new professional legislation to automatically recognize their right to practice their profession. The interests of the public made it impossible to recognize acquired rights in the fields in question; a means of evaluating the competence of the candidates had to be provided. Entrance examinations were therefore set up.

The Office des professions prepared the entrance examinations for the four new professions with the protection of the public in mind, but also bearing in mind that the legislator wished to see these professions set on their feet. The Office des professions prepared examinations which stressed the experience acquired by the candidates during their years of practice. Each examination therefore included an important practical section involving case analyses and requiring the candidates to apply their experience. Experience was also taken into account in the correction of the examinations. They were corrected by computer and each question was considered in terms of its relation to current professional practice and its importance for the protection of the public.

Less than one month after the publication of the examination results, the Office des professions announced the

appointment for a three-year term of the nine members of the first provisional Bureau of each of the four corporations. The Bureaus then issued permits to the successful candidates and invited the unsuccessful candidates to enroll in refresher courses to enable them to qualify as rapidly as possible. Intensive refresher courses were in fact held a few months ago in each of the four sectors in question and a large number of the initially unsuccessful candidates now have their permits.

This duty, this obligation to provide refresher courses for the members of the new professional corporations raises the problem of training in the sectors in question and the problem of determining the academic level of such training. The Office des professions, the Department of Education, the new corporations and the educational establishments are discussing the matter at present in an effort to establish training programs in Québec in these four fields as quickly as possible. The main goal of the programs will be to prepare the next generation of professionals by enabling interested young people to obtain their training in Québec. This academic training will constitute the best garantee of competence in new professions and help prepare the way for refresher courses for those now in practice.

The examinations given by the Office des professions were intended to get the four new professions off to a good start. It is now up to the Bureaus of the new corporations to do everything in their power, under the general supervision of the Office des professions, to enable the members of the corporations to attain the highest degree of competence, thus

ensuring the public the quality of service to which it is entitled.

(c) Recognition of emerging professions

The creation of four corporations as a means of organizing the four new exclusive professions was provided for in the new legislation. Existing professional legislation, however, does not provide any means of controlling emerging professions which are not governed by the Professional Code. Steps must nevertheless be taken in certain new sectors to ensure the protection of the public and to establish a network for the distribution of services.

Acupuncture is a good case in point. Since no method of control is provided under the Professional Code, the Office des professions sought a means of protecting the public without limiting access to the services offered or obstructing the road to greater knowledge in the field.

The Office des professions therefore recommended that the Government create an experimental acupuncture center. It also recommended that, if the Government thought it advisable to create a professional corporation of acupuncturists at the end of the experimental period, it undertake to recognize only the acquired rights of the persons practicing in the experimental center and that any other persons be required to submit to an evaluation of their competence.

In May 1974, the Government approved and made public the recommendations of the Office des professions du Québec and

entrusted their implementation to the Ministère des affaires sociales which will henceforth be responsible for examining any acupuncture research projects submitted to it.

(d) Delegation of professional acts

A network of efficient, high-quality professional services must be set up in all the regions of Québec. This presupposes the recognition of new professions and a sharing of responsibilites among certain established professions. The new professional legislation provides a means of adapting the definition of the fields of activity to the requirements of a rational distribution of professional services. Several of the acts have provisions authorizing the Bureau of the professional corporation to adopt a regulation specifying which of the professional acts reserved for the members of the corporation might, without inconvenience and under certain prescribed conditions, be performed by non-members. This legal provision affects physicians, nurses, dentists, pharmacists, optometrists, chemists and podiatrists. If the corporations in question do not delegate their power within the period set by the Office des professions, the Office des professions may do so in their stead.

This system is designed to reconcile the need to close certain fields of activity in the interests of the public, and the demands created by the development of the professions. The delegation clause in the Medical Act, for instance, should make it possible to regularize the situation of nurses, who for some years now have been required to give care, particularly

in hospitals, which, under the law, should be given by a Physician.

The Professional Corporation of Physicians has already prepared a draft regulation delegating certain medical acts to nurses, medical technologists and inhalation therapists. The Order of Pharmacists is also preparing a draft delegating certain acts to pharmacy assistants.

This system of adapting fields of professional practice to reality should prevent an increase in cases of illegal practice and eventually favor a distribution of professional services always adapted to the needs of a given place, at a given time.

(e) Admitting foreigners to professional practice

Another important step in making professional services accessible to all Quebeckers consists in making it easier for foreigners to enter the professional corporations, with the stipulation that any professional working in Québec must have a working knowledge of the French language.

The new legislation enables foreign professionals to become members of a professional corporation if they have the required degree of competence and satisfy each of the following conditions:

- be legally admitted as permanent residents of Canada
- be willing to request Canadian citizenship as soon as possible [10]
- be a resident of Québec

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10 Citizenship is required in the case of lawyers, notaries and surveyors only.

- have a working knowledge of the French language.

The foreign professional who fails to satisfy any one of these conditions but who is legally authorized to practice his profession outside Québec may obtain special authorization for three months or a temporary permit for one year, issued by the Bureau of the appropriate corporation and renewable by that Bureau.

In 1975-76, the Office des professions hopes to collaborate more closely with the competent agencies, namely with the Québec and the federal departments of immigration, so that foreigners wishing to immigrate to Québec will receive beforehand all the information pertaining to professional practice in Québec and to Québec's needs in professional services. The Office des professions also proposes to draw up an inventory among the corporations of the various means and conditions of admission to professional practice for foreigners and to see that the corporations apply the provisions of the Act allowing foreign professionals to practice.

Canadian citizens who wish to practice their profession in Québec must have a working knowledge of the French language in order to become permanent members of a professional corporation. This provision of the Professional Code, which now appears in the Offical Language Act and will come into force on July 1, 1976, clearly indicates that the study of French should henceforth constitute a fundamental preoccuption of anyone planning a professional career in Québec.

Conclusion

The changes which the new professional legislation brings to professional rights and structures are meant to ensure that the public is protected as far as the distribution of professional services in Québec is concerned. Protecting the public with regard to professional practice basically involves two things: on the one hand, ensuring the quality of all the professional services offered, by setting satisfactory qualification standards for candidates and controlling professional integrity and competence by means of specific mechanisms set up for that purpose; and on the other hand, ensuring that the professional services required by the public are available and efficiently distributed.

The situation with regard to the distribution of professional services is bound to change over the years; we cannot assume that the system for protecting the public set up in the Professional Code will continue to serve the purpose: Québec's professional legislation will have to be amended and adapted periodically. However, through the Office des Professions, which is an agency set up to supervise the professional sector, the Government will be able to keep abreast of the changes which must be made to professional legislation. The Office des professions du Québec is therefore a catalyst which, it is hoped, will help professional legislation adapt to the future requirements of the public.

APPENDIX I

List of professional corporations in the health sector

Professional Corporation of Hearing-aid Acousticians
Professional Corporation of Chiropractors
Professional Corporation of Dentists
Professional Corporation of Denturologists
Professional Corporation of Dieticians
Professional Corporation of Occupational Therapists
Professional Corporation of Nurses
Professional Corporation of Nursing Assistants
Professional Corporation of Physicians
Professional Corporation of Veterinary Surgeons
Professional Corporation of Dispensing Opticians
Professional Corporation of Optometrists
Professional Corporation of Speech Therapists and Audiologists
Professional Corporation of Pharmacists
Professional Corporation of Physiotherapists
Professional Corporation of Podiatrists
Professional Corporation of Psychologists
Professional Corporation of Dental Hygienists
Professional Corporation of Radiology Technicians
Professional Corporation of Medical Technologists